

## **REMARKS**

Claims 49-76 and 78-97 are currently pending in this application. Claims 49-76 and 78-97 have been rejected. Claims 49-76 and 78-97 have been canceled. New claims 97-141 have been added. Therefore, new Claims 97-141 are pending in the Application. Reconsideration of the application based on the new claims and arguments submitted below is respectfully requested.

### **Telephonic Interview on July 27, 2004**

On July 27, 2004, the undersigned attorney participated in a telephone interview with Patent Examiners Vanel Frenel and Joseph Thomas to discuss the office action mailed April 9, 2004. During that interview, the rejections of Claims 49-97 were discussed and it was pointed out by the undersigned attorney that some of the claim limitations set forth in the rejected claims were not taught or suggested by the Kaplan and Leeke references. This fact was acknowledged to some extent by the Examiners. A new reference, U.S. Patent No. 5,913,204 issued to Kelly, was cited by the Examiners as being relevant to the applicant's invention and it was suggested that the applicant review this reference to determine if the rejected claims were allowable over that reference. No agreement was reached on the allowability of the rejected claims.

### **Claim Numbering**

The Patent Examiner has objected to the pending claims because the numbering of those claims does not comply with 37 CFR §1.126. More specifically, the Examiner has objected to the claims because Claims 78-97 have inadvertently been

misnumbered and should be numbered Claims 77-96. In response, applicant has renumbered these claims as requested by the Examiner. The claims are now properly numbered in accordance with 37 CFR §1.126.

#### Claim Rejections - 35 U.S.C. §103

The Examiner has rejected Claims 49-96 under 35 U.S.C. §103(a) as being unpatentable over Kaplan in view of Leeke et al. In response to these rejections, the applicant has canceled Claims 49-96. These rejections are now moot and should be withdrawn.

#### Amendments to the Specification

The applicant has amended the specification to include language indicating that the current week point total for a song included in the new release chart page is calculated by summing points associated with familiarity and passion for the song and subtracting points associated with burn for the song. This amendment was made so that the specification would expressly provide support for new Claim 112, which indicates that points for songs are calculated in this manner. This amendment does not introduce new matter in the currently pending application because the language added to the currently pending application was included in the provisional U.S. patent application filed on August 13, 1999, entitled "Demographic Information Database Processor," and incorporated by reference into the currently pending application. (See, pages 11 and 12 of the provisional application).

### New Claims 97-141

Applicant submits that new Claims 97-141 are patentable over the references cited by the Patent Examiner because those references do not teach or suggest all of the claim limitations required by these new claims.

New Claim 97 is directed to a computer system for collecting consumer preference information relating to songs and albums from a plurality of registered users and for allowing a plurality of subscribing clients to access the collected consumer preference information. More specifically, new Claim 97 is directed to a computer system that includes a user database, an opt- in database, a radio station database, and a song information database. The user database includes demographic profile information for a plurality of registered users, the demographic profile information for each registered user including information regarding each registered user's zip code, country, favorite radio format, favorite or most frequently listened to radio station, user name, user password, user email address, gender, age, income, and education bracket. The opt-in database includes user email addresses for registered users who have chosen to receive emails containing music and entertainment information, the music and entertainment information including information regarding new releases and concert schedules. The radio station database includes information regarding a plurality of radio stations having associated zip codes and radio formats and regarding each radio station's associated zip code and radio format. The song information database includes information identifying songs having an associated song status and song genre format and albums having an associated album

status and album genre format, information identifying the song status and song genre format for each song and the album status and album genre format for each album, and consumer preference information from registered users for the songs and albums included in the song information database.

The computer system described in new Claim 97 also includes a software program adapted to cause the computer system to allow a non-registered user to register as a registered user of the computer system, to allow registered users included in the user database to input consumer preference information regarding the songs and albums included in the song information database, to allow registered users included in the user database to recover lost user passwords from the computer system, to allow subscribing clients to search the consumer preference information stored in the song information database based on predetermined search parameters, and to allow subscribing clients to generate reports using the consumer preference information stored in the song information database based on predetermined reporting parameters.

None of the references cited by the Examiner teach or suggest such a computer system.

Claims 98-141 are dependent claims that depend, either directly or indirectly, from new Claim 97 and include all of its limitations. As a result, these claims are patentable for the same reasons as Claim 97. Claims 98-141 also include additional limitations, as indicated by the language used in those claims, that are not taught or

suggested by the references cited by the Examiner and are patentable for this reason as well.

### Miscellaneous

Applicant hereby requests a three (3) month extension, from July 9, 2004 to October 12, 2004<sup>1</sup>, for filing this response. A check in the amount of \$490.00 made payable to the Commissioner for patents is enclosed to cover the extension fee associated with this request.

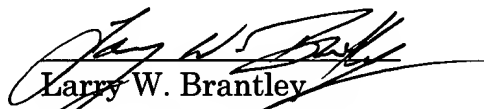
### CONCLUSION

Based on the foregoing arguments, Applicant respectfully submits that this application is in a condition for allowance and that action is specifically requested.

If the Examiner has any questions regarding this response, or a telephone conference will facilitate the prosecution of this application, the undersigned attorney can be contacted at (256) 535-4400.

The Commissioner is authorized to charge any deficiency or credit any overpayment associated with the filing of this Response to Deposit Account 23-0035.

Respectfully submitted,

  
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<sup>1</sup> The due date for filing this response with the requested three (3) month extension was actually October 9, 2004. October 9, 2004, however, fell on a Saturday. In addition, the Monday following that Saturday, October 11, 2004, was a federal holiday. As a result, the due date for filing a response to the April 9, 2004 office action is Tuesday, October 12, 2004, which is the date that this response is being filed with the USPTO.